

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8685 of 2019

Arising Out of PS. Case No.-74 Year-2015 Thana- PASRAHA District- Khagaria

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Bipin Yadav, S/o Late Chandrika Yadav, resident of village Ganaul, P.S. Bihpur, District-Bhagalpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Mithilesh Kumar Upadhyay, Advocate.
For the Opposite Party : Mr.Tapeshwar Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 19-07-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since 30.03.2018 in a case for the offence registered under Sections 302/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that the petitioner and other co-accused killed the brother of the informant (Mithilesh Yadav) by giving gun shot.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The informant is not an eye witness to the alleged occurrence.



On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. As per the F.I.R., Dilkhush Kumar is said to be an eye witness. His statement was recorded in paragraph no. 37 of the case diary. He had stated that it was the petitioner who fired upon the deceased which led to his death.

Considering the nature of allegation, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sessions Case No. 363A of 2016, arising out of Pasraha P.S. Case No. 74 of 2015, pending in the court of learned F.T.C. Ist Khagaria.

The court below is directed to take all necessary steps to conclude the trial at the earliest preferably within a period of nine months from the date of receipt/production of copy of this order.

(Sudhir Singh, J)

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